

REMARKS

Claims 1-4, 6-9 and 11 of the above-identified application are pending in the above-identified application. Claims 1, 3, 6, 8, and 11 are amended. The specification is also amended to correct a spelling error. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated November 1, 2005.

Claims 1-4, 6-9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Kanno* 820 in view of *Gregory* and *Kanno* 188. To expedite prosecution and clarify the present invention, Applicants amend claims 1, 6, and 11 to recite that *a predetermined speed which is larger than an engine idle speed*. Support for this amendment can be found, for example, in Fig. 5. Applicants also amend claims 3 and 8 to correct spelling errors. In view of these amendments and the following remarks, Applicants respectfully request that the Examiner withdraw the obviousness rejections of claims 1-4, 6-9, and 11.

The Examiner has failed to present a *prima facie* case of obviousness. Here, *Kanno* 188 only discusses using a stepper motor as an example of an electronic control mechanism that can be used to open and close the throttle valves [column 5, lines 57-60.] *Kanno* 188 does not suggest using the stepper motor to close the throttle valve by an amount repeatedly such that the engine speed *is gradually lowered to the predetermined speed which is larger than an engine idle speed*. Also, even if one were to combine the teachings of *Kanno* 188 and *Kanno* 820, then *Gregory* clearly lacks any teaching or suggestion to have the disable 270 of *Kanno* 820 drive the stepping motor of *Kanno* 188 to close the throttle by an amount repeatedly such that the engine

speed is gradually lowered to the predetermined speed which is larger than an engine idle speed. This is because, in part, *Gregory* discloses a system that includes a sensor, a controller, an actuator and a throttle linkage, wherein the sensor supplies signals to the controller indicative of whether the sensor is submerged in water or airborne. The controller uses the signals supplied by the sensor to switch the actuator between a first state (in which the throttle valve is at the user-selected setting) and a second state (in which the throttle is at the idle setting.) Accordingly, the Examiner has failed to present a *prima facie* case of obviousness, because there is no basis in the art for combining the cited references.

However, even if one were to combine the cited references, the result would not be the claimed invention. For example, in claim 1, if the engine speed at the time of occurrence of engine trouble exceeds the predetermined speed which is larger than an engine idle speed (e.g., 1800 rpm), then the actuator is driven to close the throttle valve in the closing direction such that the engine speed is gradually lowered to the predetermined speed (e.g., 1800 rpm). With this, the engine is protected from being damaged without stopping the engine, and the boat can return to port even if such a trouble has occurred on the sea.

The combination of *Kanno* 820, *Gregory* and *Kanno* 188 fails to teach or suggest a system comprising an *engine speed discriminating means for discriminating whether the detected engine speed exceeds a predetermined speed which is larger than an engine idle speed when it is detected that the trouble has occurred in the engine*. As emphasized by the Examiner, the combination of the cited references would merely “close the throttle by an amount repeatedly

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such that the engine speed is gradually lowered to the predetermined speed of idle.” Therefore, even if one were to combine the cited references, then the combination would not result in the present invention. Accordingly, Applicants respectfully request that the Examiner allow claims 1-4, 6-9 and 11.

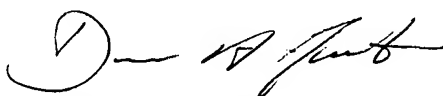
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants’ undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Darrin A. Auito", is written over a horizontal line.

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